

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEMIANTRA M. CLAY,

Petitioner,

No. CIV S-04-2367 DFL CMK P

vs.

MIKE KNOWLES, Warden,

Respondent.

ORDER

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Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Since petitioner may be entitled to the requested relief if the claimed violation of constitutional rights is proved, respondents will be directed to file a response to petitioner's application.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Petitioner's request to proceed in forma pauperis is granted;

3 2. Respondents are directed to file a response to petitioner's application within  
4 thirty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer  
5 shall be accompanied by any and all transcripts or other documents relevant to the determination  
6 of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases;

7 3. Petitioner's traverse, if any, shall be filed and served within thirty days of  
8 service of an answer;

9 4. If the response to petitioner's application is a motion, petitioner's opposition or  
10 statement of non-opposition shall be filed and served within thirty days of service of the motion,  
11 and respondents' reply, if any, shall be filed within fifteen days thereafter; and

12 5. The Clerk of the Court shall serve a copy of this order together with a copy of  
13 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jo Graves,  
14 Senior Assistant Attorney General.

15 DATED: May 9, 2005

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17 /s/ CRAIG M. KELLISON  
18 Craig M. Kellison  
19 UNITED STATES MAGISTRATE JUDGE  
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